



Department of
Toxic Substances
Control

*Preventing
environmental
damage from
hazardous waste,
and restoring
contaminated
sites for all
Californians.*



State of California



California
Environmental
Protection Agency

Fact Sheet, May 2006

BKK LANDFILLS FACILITY: UPDATE ON THE CONSENT DECREE AND PROPOSITION 65 VINYL CHLORIDE WARNING NOTICES

The Department of Toxic Substances Control (DTSC) has issued several fact sheets in recent months to keep the community informed about DTSC's emergency response actions at the BKK Landfills Facility (Facility). This fact sheet provides an update to the community on the recently approved Consent Decree and discusses letters recently sent to certain residences about vinyl chloride. Information, documents and prior fact sheets regarding the Facility can be found at several locations listed on page 4 of this fact sheet. The Facility, owned and operated by the BKK Corporation (BKK), is located at 2210 South Azusa Avenue in the City of West Covina.

Consent Decree Summary

In December 2004, DTSC issued an order to fifty-one companies (including BKK) and public agencies, called "responsible party." Other than BKK, DTSC believes these parties were either former customers of the BKK Class I Landfill (hazardous waste) or the successor to a former owner and operator of the site. In October 2005, twenty-six parties, including twenty-five companies and one public agency, called "Settling Defendants," signed an agreement to provide financial support to DTSC and take over certain essential activities at the site. Most of the Settling Defendants had been named in DTSC's December 2004 order.

The agreement between DTSC and the Settling Defendants is called a consent decree. A consent decree is a judicial order that is negotiated and agreed to by the parties and submitted to the court for approval. After it is finalized and approved it has the force of a court order. On October 31, 2005, the California Attorney General's Office on behalf of DTSC, entered the BKK Consent Decree with the Federal District Court, Central District of California. The parties negotiated several amendments to the Consent Decree and the court approved the Amended Consent Decree on March 9, 2006.

The BKK Consent Decree requires the Settling Defendants to perform the essential activities at the site for two years. The Settling Defendants hired SCS Engineers (SCS) to conduct the work. SCS has extensive experience working on complex landfills. Starting in November, 2005, this company placed a team of staff at the BKK Facility to work with DTSC and its contractor, Engineering Remediation Resources Group (ERRG), in order to become familiar with all aspects of the Facility operations. Most of the former BKK employees, who were hired by ERRG in November, 2004, have transferred to SCS to help ensure that all operations continue to run smoothly. SCS also submitted workplans and health and safety plans for DTSC's approval. On March 20, 2006, SCS took over responsibility for the essential activities discussed in the Consent Decree.



The largest portion of SCS's work involves conducting essential Facility maintenance activities comparable to the work that DTSC's contractor was doing during the fifteen months before SCS took over. This work includes:

- Conducting studies of the Class I landfill to identify sources of vinyl chloride emissions and working to reduce these emissions;
- Repairing and stabilizing the Facility's leachate treatment plant; and
- Repairing the two gas flare stations that are used to periodically burn gas generated by the Facility's landfills.

The Settling Defendants also agreed to pay a portion of DTSC's costs associated with overseeing all aspects of their work at the Facility during the term of the consent decree.

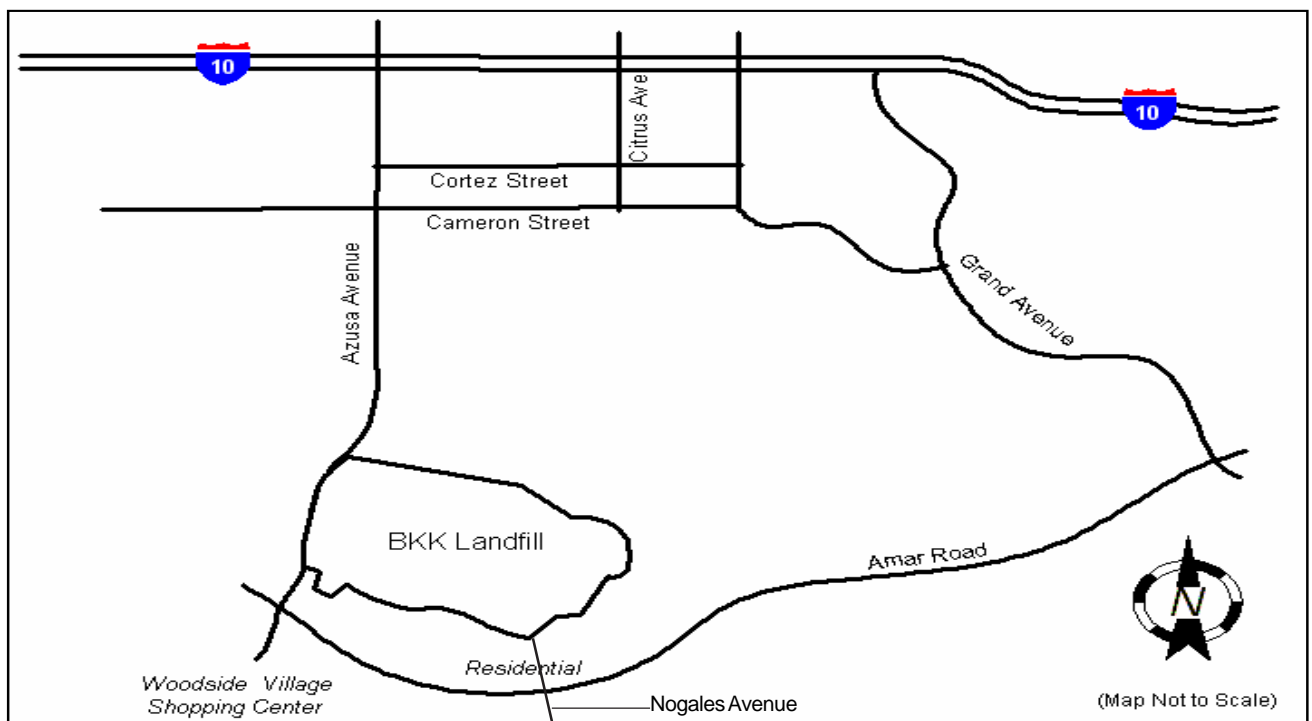
DTSC Involvement will Continue

DTSC is committed to ensuring that the Facility and associated systems are operated and maintained to protect public health and safety. DTSC will continue to have staff on site to oversee the work by the Settling Defendants and SCS. DTSC's contractor will also remain on site to finish some other projects and provide technical support.

Status of the BKK Facility Proposition 65 Warning Notices for Vinyl Chloride

Since DTSC initiated the emergency response action at the Facility, BKK has issued Proposition 65 warning notices for vinyl chloride releases on a quarterly basis, starting in December, 2004. Under Proposition 65, businesses are required to issue warnings of this type to anyone who may be exposed to a specific list of chemicals above specified levels. The specified warning level for vinyl chloride is 0.05 parts per billion (ppb) in the air. The Proposition 65 notices are designed to let people know that a problem may exist that needs attention. More specifically, continuous exposure to 0.05 ppb of vinyl chloride in the air over a lifetime of 70 years means that you may have a one in one-hundred thousand (1/100,000) chance of developing cancer.

The Proposition 65 warning notice issued in September, 2005 was sent to 44 addresses adjacent to the BKK Facility, primarily in the Nogales Avenue and Lynn Court areas. Notices were sent to 100 addresses in December, 2005 and 210 addresses in March, 2006 in this same area. DTSC's ongoing Class I landfill vinyl chloride monitoring has shown that this recent increase in the number of notices is at least partially related to higher vinyl chloride readings at the Lynn Court monitoring station, which ranged from 'not detected' to 1.17 ppb levels.



In response to this situation, DTSC reexamined the gas collection wells in the area of the Lynn Court monitoring station and thoroughly cleaned and adjusted the wells to ensure that they are working at full capacity. This work was completed in January, 2006 and vinyl chloride readings collected from January 31, 2006 through April 4, 2006 at the Lynn Court monitoring station have been below the 0.05 ppb Proposition 65 level. However, BKK must continue to issue Proposition 65 warning notices until the 12-month rolling average concentration of vinyl chloride falls below the 0.05 ppb level.

DTSC will work closely with the Settling Defendants and SCS to carefully monitor the gas wells in this area and to ensure that they are cleaned and adjusted as needed to help keep the vinyl chloride levels as low as possible. None of the vinyl chloride levels observed at the BKK Facility, including levels in the Nogales Avenue and Lynn Court areas, pose an immediate threat to the residents in the area.

DTSC Public Participation Change

DTSC's public participation program provides the community with an opportunity to learn about our work and actively participate in our decision-making process. For the program to be most effective, the interested public must understand our work and have the opportunity to make its concerns known to DTSC. Since November 2004, when DTSC's contractor began conducting essential activities of the Facility, Kim Rhodes, DTSC Public Participation Specialist, and Diane Fowler, DTSC Public Participation Supervisor, have been DTSC contact individuals for the public's questions and concerns regarding the BKK Facility. Ms. Rhodes has often been DTSC's first contact for the project team. She has answered the community's questions and met with individuals to provide helpful information.

Recently, DTSC made a change in the public participation portion of the project team for the BKK Facility. Mr. Tim Chauvel, Public Participation Specialist, and Mr. Larry Woodson, Public Participation Supervisor, replaced Ms. Rhodes and Ms. Fowler on the team. Mr. Chauvel is located in our Cypress Office and is now the local contact for the community.

DTSC will continue to keep the community informed on the status of this project. In the meantime, if you have any questions regarding the information in this fact sheet or have questions regarding DTSC's activities at the BKK Facility, please contact one of the following DTSC individuals:

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For media questions, please contact:
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You may also contact us by using our toll free telephone number and leaving a voice message. The toll free number is 866-284-0721.

Information Repositories

Documents regarding the BKK facility can be reviewed at the following locations:

West Covina Public Library
1601 West Covina Parkway
West Covina, California 91790

Walnut Public Library
21155 La Puente Road
Walnut, California 91789

Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

Notice to Hearing Impaired

You can obtain additional information by using the California State Relay Service at:
1-888-877-5378. Ask them to contact
Tim Chauvel at (714) 484-5487